

Serial No.: 10/672,456

Attorney Docket No.: 2003P08210US

REMARKS

Upon entry of the instant Amendment, Claims 1-16 are pending. Claims 1, 4, 5, 6, 12, and 13 have been amended to more particularly point out Applicants' invention. The Specification has been amended to provide serial numbers for related applications. No new matter has been added.

Claims 1-3 and 5 were rejected under 35 U.S.C. §102(e) as being anticipated by Murray, U.S. Patent No. 6,484,033 ("Murray"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Murray.

As discussed in the Specification, an improved third-party location monitoring system and device is provided according to embodiments of the present invention. Briefly, in addition to a system providing availability or contact information on a user, a remote device according to embodiments of the present invention may be affixed to an object, person, or pet, and set to trigger an alarm if it departs from a user-programmed range. A graphical user interface is provided for setting the range. Rules, presence, location and alarm updates may be transmitted wirelessly and/or using e-mail or text messaging techniques. In addition, according to some embodiments, a holder of the device can request changes to the warning perimeter.

Thus, claim 1 has been amended to recite "an administrative device for receiving a user-defined boundary and time and date associations and receiving alerts from said wireless communication device via said communications controller when said positioning controller determines that said wireless device is outside said user-defined boundary at an associated time and date; wherein said administrative device further maintains availability information for a user of said wireless device within said user-defined boundary."

In contrast, Murray merely relates to a pager system that has a calendar service, rather than a presence service and perimeter defining and monitoring service as generally recited in the claims at issue. In Murray, another user is telephoned if a

Serial No.: 10/672,456

Attorney Docket No.: 2003P08210US

device is determined not to be able to return to an available conference site in time for the conference. However, the user in Murray is not able to set a boundary or perimeter, as generally recited in the claims at issue. Further, Murray does not maintain a presence or availability information on the user. If the device is not able to return for the conference, there is no information on how to contact its user. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claim 4 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Murray and further in view of "well known prior art." The Official Action asserts that it is well known to "display the content of messages received by a mobile device." Assuming this to be true, however, the "well known" prior art does not cure the deficiencies of the Murray reference concerning, inter alia, user-defined boundaries and presence and availability information. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 6-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of "well known prior art." Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Murray or "well known prior art," either singly or in combination.

Claim 6 has been amended to recite "programming said wireless device to be in a predetermined range, said predetermined range comprising a geographic perimeter and route and daily routine limits; maintaining presence and availability information on said predetermined user within said predetermined range" and claim 13 has been amended to recite "programming said wireless telecommunications device to said predetermined user's daily routine, said daily routine including a boundary and time associations; maintaining presence and availability information on said predetermined user within said predetermined user's daily routine."

Murray has been discussed above. The Official Action asserts that it is "well known" to (a) attach a pager; and (b) send e-mail or IM messages between mobile devices. Assuming this to be true, however, the "well known" prior art does not cure the deficiencies of the Murray reference concerning, inter alia, user-defined boundaries and

Serial No.: 10/672,456

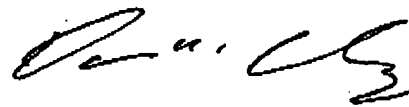
Attorney Docket No.: 2003P08210US

presence and availability information. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

SIEMENS CORPORATION

By: 

David D. Chung
Registration No.:
Attorney for Applicant(s)
Tel.: 650-694-5339
Fax: 650-968-4517

Date: 25 Oct. 05

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, Legal Department
Telephone: (732) 321-3026